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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,583	04/01/2004	Tatsuki Mori	701158-4011	8417

34313 7590 08/17/2005

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EXAMINER

TIBBITS, PIA FLORENCE

ART UNIT PAPER NUMBER

2838

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,583

Applicant(s)

MORI ET AL.

Examiner

Pia F. Tibbits

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/04, 5/23/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by prior art disclosed by applicant, **JP-0455781** [hereinafter JP].

JP discloses in the abstract and figures 1-6 a battery pack comprising: a rechargeable battery 1, means A for indicating a remaining capacity of the battery 1, wherein the indicating means A is coupled to the battery 1 [see fig.1], wherein the indicating means A utilizes power supplied from the battery, thereby indicating the remaining capacity of the battery, a first switch 12 electrically connecting and disconnecting the battery with the indicating means, a first voltage detecting circuit 15 coupled to the first switch 12, wherein the first switch is turned off when the voltage detected by the first voltage detecting circuit falls below a first predetermined value, a cut-off circuit 16 coupled to the first voltage detecting circuit, wherein the cut-off circuit cuts off the flow of current from the battery to the first voltage detecting circuit when the first switch has been turned off.

Art Unit: 2838

4. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by prior art disclosed by applicant, **Fukunishi** [6920341].

Fukunishi discloses a battery pack comprising: a rechargeable battery 1, means 9 for indicating a remaining capacity of the battery, wherein the indicating means is coupled to the battery, wherein the indicating means utilizes power supplied from the battery, thereby indicating the remaining capacity of the battery, a first switch 5 electrically connecting and disconnecting the battery with the indicating means, a first voltage detecting circuit 2 coupled to the first switch, wherein the first switch is turned off when the voltage detected by the first voltage detecting circuit falls below a first predetermined value, a cut-off circuit 6 coupled to the first voltage detecting circuit, wherein the cut-off circuit cuts off the flow of current from the battery to the first voltage detecting circuit when the first switch has been turned off [see fig.4; column 2, lines 10-15; column 4, lines 54-63].

Allowable Subject Matter

5. Claims 2-5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 2-5 and 7-9: none of the references of record prior to applicant's filing date discloses, teaches, or suggests a battery pack comprising, *inter alia*, wherein the cut-off circuit comprises a second switch electrically connecting and disconnecting the battery with the first voltage detecting circuit, a second voltage detecting circuit coupled to the first and second switches, wherein the second switch is turned off when the voltage detected by the second voltage detecting circuit falls below a second predetermined value, wherein the flow of current from the battery to the second voltage detecting circuit stops when the first switch has been turned off.

Information Disclosure Statement

6. The Information Disclosure Statement (Form PTO-1449) filed 8/16/2004 references JP-0455781 described only by abstract. Since this reference seems to be relevant to applicant's instant application, a full translation should be provided.

Art Unit: 2838

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited in PTO-892 and not mentioned above disclose related apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is 571-272-2086. If unavailable, contact the Supervisory Patent Examiner Mike Sherry whose telephone number is 571-272-2084. The Technology Center Fax number is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFT

August 7, 2005

Pia Tibbits,
Primary Patent Examiner

